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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,657	03/01/2002	Bryan D. Bigsby	3191E-000028	7892

27572 7590 11/25/2003

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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 11/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,657

Applicant(s)

BIGSBY, BRYAN D.

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 11-15 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly submitted claims 11-15 are drawn to a “golf cart suspension” whereas the originally presented invention was drawn to a “method of attaching an axle of a golf cart”.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. A complete reply to this final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-4 and 6** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “the fastener” in lines 8-9 which lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-4** are rejected under 35 U.S.C. 102(b) as being anticipated by Tantlinger et al. (3,386,724).

Tantlinger et al. teach in fig. 6, aligning a leaf spring **39** beneath an axle **23** and above a bottom plate **51**, inserting ends of a U-bolt **45** initially through a first set of apertures associated with the axle (see the plate **13,15**) and subsequently through second set of apertures of the bottom plate **51**, the U-bolt **45** encompassing the leaf spring **39** and being inserted in a downward direction (see fig. 6), and securing the leaf spring **39** between the axle **23** and the bottom plate **51** by securing the fastener **45** at the bottom plate **51**.

Regarding claim 2, note the mounting bracket **13** attached to the axle **23** which includes the first set of apertures.

Regarding claim 3, the mounting bracket **13** includes a trough within which the first set of apertures is disposed.

Regarding claims 4, the note the thirds set of apertures associated with the axle **23** and a fourth set of apertures associated with the bottom plate **51** (there are two sets apertures in the

axle and the bottom plate). Note also the second U-bolt **47** which goes through the respective apertures.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tantlinger et al.

Regarding claim 6, Tantlinger et al. teach the invention cited with the exception of using washers. However, official notice is taken that it is well known to use washers in order to prevent damage to the plates. Applicant has essentially acquiesced the well known statement in the last office action by not rebutting the well known statement (see also MPEP 2144.03). Therefore, it is taken as applicant's admitted prior art to use washers.

8. **Claims 7-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tantlinger et al. in view of Lang et al. (6,223,865).

Tantlinger et al. teach the invention cited with the exception of having a disc brake.

Lang et al. teach that it is known to use disc brakes (abstract, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the

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invention, to have provided the invention of Tantlinger et al. with a disc brake, in light of the teachings of Lang et al., in order to provide a brake assembly that is compact and easy to service as suggested by Lang et al. at col. 2, lines 9-30.

Regarding claim 10, Tantlinger et al./Lang et al. teach the invention cited with the exception of using washers. However, official notice is taken that it is well known to use washers in order to prevent damage to the plates. Applicant has essentially acquiesced the well known statement in the last office action by not rebutting the well known statement (see also MPEP 2144.03). Therefore, it is taken as applicant's admitted prior art to use washers.

9. **Claims 1-4 and 6-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art [AAPA] (page 1, para. [0003] to page 2, para. [0004] of applicant's specification) in view of Tantlinger et al.

Regarding claims 1 and 7, [AAPA] teaches that it is known to attach an axle to a leaf spring by utilizing U-bolts (para. [0003], line 3). Furthermore, it is known to use disc brakes (para. [0004], line 1).

[AAPA] teach the invention cited with the exception of aligning a leaf spring beneath an axle and above a bottom plate, inserting ends of a U-bolt initially through a first set of apertures associated with the axle and subsequently through second set of apertures of the bottom plate, the U-bolt encompassing the leaf spring and being inserted in a downward direction, and securing the leaf spring between the axle and the bottom plate by securing the fastener at the bottom plate.

Tantlinger et al. teach in fig. 6, aligning a leaf spring **39** beneath an axle **23** and above a

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bottom plate **51**, inserting ends of a U-bolt **45** initially through a first set of apertures associated with the axle (see the plate **13,15**) and subsequently through second set of apertures of the bottom plate **51**, the U-bolt **45** encompassing the leaf spring **39** and being inserted in a downward direction (see fig. 6), and securing the leaf spring **39** between the axle **23** and the bottom plate **51** by securing the fastener **45** at the bottom plate **51**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of [AAPA] with aligning a leaf spring beneath an axle and above a bottom plate, inserting ends of a U-bolt initially through a first set of apertures associated with the axle and subsequently through second set of apertures of the bottom plate, the U-bolt encompassing the leaf spring and being inserted in a downward direction, and securing the leaf spring between the axle and the bottom plate by securing the fastener at the bottom plate, in light of the teachings of Tantlinger et al., in order to secure the spring and axle together without imposing detrimental forces or stresses as suggested by Tantlinger et al. at col. 2, lines 2-4.

Tantlinger et al. teach the features of claims 2-4, 8, and 9 as discussed above.

Regarding claims 6 and 10, [AAPA]/Tantlinger et al. teach the invention cited with the exception of using washers. However, official notice is taken that it is well known to use washers in order to prevent damage to the plates. Applicant has essentially acquiesced the well known statement in the last office action by not rebutting the well known statement (see also MPEP 2144.03). Therefore, it is taken as applicant's admitted prior art to use washers.

Response to Arguments

10. Applicant's arguments with respect to claims 1-4 and 6-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Interviews After Final

12. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing) to clarify issues for appeal requiring only nominal further

consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

Contact Information

13. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Petitions/Special Programs	(703) 305-9285
Terminal Disclaimers	(703) 305-8408
PCT Help Desk	(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov/

MJ

November 21, 2003



PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700